

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALLAN DEAN OWENS,

ORDER

Plaintiff,

15-cv-489-bbc

v.

GREGORY BALOW,

Defendant.

On March 27, 2017, I issued an opinion and order granting defendant Gregory Balow's motion for summary judgment and dismissing all of plaintiff Allan Dean Owens's claims in this case. Dkt. #79. The clerk of court entered judgment in favor of defendant and closed the case, dkt. #80, and later entered an order granting defendant's request for costs of \$1,710.57. Now plaintiff has filed a "motion to stay collection of costs," dkt. #98, in which he asks the court to order the state prison to stop withdrawing money from his account for the costs owed defendant. Plaintiff contends that the state has no legal right to collect costs from his inmate account and that he needs the money in his account to pay for other things.

Plaintiff is mistaken in his belief that the state has no legal basis for withdrawing money to pay for the costs plaintiff owes. Under 28 U.S.C. § 1915(f)(2), "[i]f the judgment against a prisoner includes the payment of costs. . . , the prisoner shall be required to pay the full amount of the costs ordered." Further, "[t]he prisoner shall be required to make payments for costs . . . in the same manner as is provided for filing fees" set forth in §

1915(b)(2). Id. Specifically, each time plaintiff has more than \$10 in his account, the prison is required to make a payment on the judgment of costs equal to 20 percent of the preceding month's income. In sum, the prison has not violated plaintiff's rights by withdrawing money from his account to pay for the costs owed to defendant. Therefore, I must deny plaintiff's motion.

ORDER

IT IS ORDERED that plaintiff Allen Dean Owens's "motion to stay collection of costs," dkt. #98, is DENIED.

Entered this 24th day of May, 2018.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge